



George Washington University Law School  
**Scholarly Commons**

---

The Advocate, 1987

The Advocate, 1980s

---

11-16-1987

## The Advocate, November 16, 1987

Follow this and additional works at: [https://scholarship.law.gwu.edu/the\\_advocate\\_1987](https://scholarship.law.gwu.edu/the_advocate_1987)

---

### Recommended Citation

George Washington University Law School, 19 The Advocate 7 (1987)

This Book is brought to you for free and open access by the The Advocate, 1980s at Scholarly Commons. It has been accepted for inclusion in The Advocate, 1987 by an authorized administrator of Scholarly Commons. For more information, please contact [spagel@law.gwu.edu](mailto:spagel@law.gwu.edu).

# The Advocate

THE STUDENT NEWSPAPER OF THE NATIONAL LAW CENTER  
THE GEORGE WASHINGTON UNIVERSITY



Vol. 19 No. 7

Monday, November 16, 1987

## Judge Ginsberg Lectures On Appellate Advocacy

by Hugh Kaplan

The Honorable Ruth Bader Ginsberg of the U.S. Courts of Appeals for the D.C. Circuit came to the NLC last Thursday as part of the Enrichment Series. Her lecture was entitled "Appellate Advocacy," a topic she says she enjoys because "it's nice to pose questions that no one dares answer unprepared." Before becoming a member of the federal bench, Judge Ginsberg attended law school at Harvard and Columbia and was on law review at both schools. Since then, she has been a law professor at Rutgers and Columbia. She is probably best known as an author of casebooks and articles on gender-based discrimination. She is on the brief in the landmark case of *Reed v. Reed*, which was the first case to declare a state law unconstitutional because it discriminated on the basis of gender.

Her lecture Thursday, which might also have been entitled "An Insider's Guide to Federal Appellate Practice," was an outline of what advice the Judge would give to someone preparing to appear before a federal Appeals court.

Judge Ginsberg said that the best advice an attorney could give a client considering an appeal is to save the money. Seventy percent of cases appealed to the D.C. Circuit are affirmed. A similar percentage of agency decisions also result with an affirmation of the earlier decision. The Judge said that "writing a petition for rehearing may be good therapy for a losing attorney, but the D.C. Circuit hears only 6 out of 100 [such requests]."

If the decision to appeal is made, Judge Ginsberg suggests that the two most important concerns are (1) making sure the tickets to federal court are in order, (2) following meticulously the court's rules on form. To illustrate this first point, the Judge cited a recent case in which an embarrassed attorney for the petitioner forgot that a denial of a motion for summary judgment is not independently appealable. A similar fate befell an attorney who attempted to circumvent the court's rule on the length of petitions by spacing lines by one and one-half instead of double spacing them as required by the rule.

Judge Ginsberg emphasized the comparative importance of the brief over the oral argument at the federal appeals level by pointing out that "oral argument lasts ten, fifteen, thirty minutes

tops" and often the brief is all a court will see. She added that the D.C. Circuit likes oral argument and has "bucked the trend" toward policies like that of the Fifth Circuit which hears oral argument in only fifty percent of its cases.

Above all, briefs should be brief. "Eye-strain and irritability," Judge Ginsberg says, "set in well before page fifty." Briefs should play to their audience and that audience is three busy judges who don't believe there is such a thing as "harmless surplus." She adds that as a consequence of this, the Summary of Argument portion of the brief is extremely important.

Judge Ginsberg then imparted her "check-list" of admonitions to the brief writer. She encouraged writers to be selective and to resist making every argument by sticking to the issues that the court will be asked to consider. Use short sentences and plain language to prevent the need to re-read a sentence in order to understand it. Skip long quotes and excessive underscoring. Avoid "clearly," "plainly," and "obviously" when a point is not plain, clear, or obvious. Ad hominem attacks against the competency of the trial court, agency or adversary only annoy appellate judges.

Writers should use citations to fortify arguments, not merely to attest to the writers research diligence. Careful proof reading prevents incorrect page citations that would cause judges to suspect the reliability of the source. A lawyer shouldn't shy away from citing law review articles which he or she found helpful with his analysis of the case.

Brief writers should always state their case in the affirmative. Counsel for the respondent, who is especially susceptible to falling into the trap of defensive writing, can avoid the problem by drafting a working copy of the brief before he reads the Petitioner's brief.

Judge Ginsberg also made a number of suggestions to improve oral arguments. An advocate should become familiar with the courtroom itself by attending preceding arguments. This will keep the attorney from running into problems with the lectern, the timing lights, and the "not-to-be-touched" microphone.

In addition to the traditional advice about speaking clearly, loudly and slowly while maintaining eye-contact, Judge Ginsberg suggested that oral advocates arrange their argu-

Go To Page 11, Col. 1

## Dean Potts To Retire After 30 Years Service

by Kevin O'Hare

Edward A. Potts, associated with the George Washington University Law School since 1953 and instrumental in the new construction of the NLC, has announced plans to retire after spring semester 1988.

An Associate Dean, Potts began his tenure at GW as the Execu-



Edward A. Potts

tive Director of the Law School Fund, and has held such positions as Secretary of the Law School, Assistant Dean, and has occupied his current post since 1966. In his teaching capacity, Potts has taught Contracts, Personal Property, Business Associations and Domestic Relations.

"Other than my family the law school's been my life. I don't look back with regrets -- it's been a great thirty-five years," Potts said. Explaining that he came to GW to help build the NLC facility, he termed the completion of renovation as "the end of an era" and stated that now was an ideal time to retire. He explained that retirement had

been contemplated for eighteen months and he had originally decided to leave GW at the end of next month. Dean Barron, however, urged Potts to remain until the end of the school year.

Dean Potts stated that additional work was needed to consolidate the gains made at the NLC. "We always need faculty expansion, additional scholarship money and more student financial assistance," he contended. For this reason, he believes that his successor will most likely be a professional manager or someone with a strong business background. "Of course," Dean Potts said, "he must be somebody who likes to work with young people." Potts reminisced warmly about the three and a half decades of his career at the NLC and forecast a bright future for the institution. "The progress made in the last fifteen years has been enormous in terms of quality of the faculty and strength of the student body. This is recognized throughout the country and will continue. We have the potential to be clearly recognized as the premier law school in the area and one of the finest in the country."

Though revealed shortly after the resignation of Dean Barron, Potts' retirement is not in conjunction with his colleague's. Dean Potts does not have any specific plans upon leaving the NLC, but may do pro bono mediation in family court, and will most likely travel in the U.S. and Ireland. When asked if he will continue his association with the NLC, Dean Potts answered, "except as a contributing alumnus, no."

Go To Page 11, Col. 2



HOMEcoming . . . Details On Page 8

# The Advocate

The Student Newspaper of the  
National Law Center

## EDITORIALS

### Goodbye Dean Potts

Another unexpected resignation occurred this week when Dean Edward Potts he would be leaving the NLC. It is fitting that he will leave the building he worked so hard to see erected.

For thirty years, Dean Potts worked with five Deans and countless administrators with his eyes on one goal: a new NLC building. Although many students complain about the elevators, the temperature and the inconveniently placed stairs we can't conceive of the bad old days where there was no reading room, no upstairs lounge nor any bright carpeting and comfortable chairs. Nor will the female law students appreciate their freedom from the Ladies Lounge, a one-time relaxation spot for the then limited number of women at the law school.

Dean Potts will also leave an institution that has developed from a Washington law school to a nationally recognized law center. Through its growth, Dean Potts has been the man Friday, seeing to student needs, administrative headaches and general law school mayhem.

His steady hand and eminent quotability will be missed by all members of *The Advocate* staff as keenly as the student body at large.

Good-by Dean Potts.

### Homecoming

As we hit the books, a lot of NLC students have smiles on their faces as they recall Homecoming 87. In *Loco Opus*. The weekend was filled with food, fun and foolishness at a time in the semester when such cavorting was needed.

Paul Henry, and his committee of mostly first year SBA representatives, did an admiral job in administering the event from start to finish. SBA President, Dennis Quinn should also take a bow for his calm leadership, assuring that all would go well.

More importantly, however, all the students who took time out of their schedule to dance, drink and just have fun with their classmates should be commended for showing the school spirit that is almost unheard of in law school.

As we go deeper in the stacks, its good to remember those brief moments of fun and frolic.

Elizabeth H. MacGregor

Editor-in-Chief

Hugh Kaplan

Peter Most

Sally Weinbrom

Editors

CeCe Ibsen

Arts and Entertainment Editor

Bill Koch

Business Manager

David Koman

Donna Rogers

Production Assistants

Cydley Smith

Photographer

Kenneth W. Brothers

STA

The Advocate is published bi-weekly by the students of the National Law Center at George Washington University. Its offices are located on the third floor of Burns Library, 716 20th Street, N.W., Washington, D.C., 20052. The views expressed herein do not necessarily reflect the views of the editorial board, the National Law Center or George Washington University. The Advocate will consider for publication all articles, letters, cartoons or opinion pieces submitted by the Thursday before publication. All text should be typed and SIGNED.

### Fall Semester Publication Dates

Monday, August 24, 1987  
Tuesday, September 8, 1987  
Monday, September 21, 1987  
Monday, October 5, 1987  
Monday, October 19, 1987  
Monday, November 2, 1987  
Monday, November 16, 1987

## Politics, Money and the Press

by David Epstein

This year we have seen two of the most potentially powerful governmental figures stricken by issues of morality. Gary Hart, the front runner for the Democratic presidential nomination in 1988, was forced out of the race following revelations of his adulterous affair with Donna Rice; and Douglass Ginsburg, nominee to the Supreme Court, withdrew his nomination after admitting that he had previously experimented with marijuana.

### OPINION

No matter what one may think of Gary Hart or Douglass Ginsburg, these two events raise serious questions concerning politics, morality and the media.

In both of these cases, the public reaction was to not focus on the morality of the actual act each man was accused of, but to disguise their judgment by aiming objections at broader moral issues which flow from the actual acts. For instance, polls showed that what people objected to most about Gary Hart is not that he committed adultery, but the fact that he lied about it. As for Ginsburg, people have claimed not to be offended by the fact that he had smoked marijuana, but instead claim that it was not proper for a Harvard law professor to break the law during his tenure as an instructor.

All of this reminds me of the people who say that they are not racists, but that they object to their children marrying a Black person because "it may be difficult for the children." It seems as if after the sixties, we know that we are not supposed to be intolerant, but some find it difficult to put these ideas in practice. Instead they justify their prejudices and fears by using broad principles like "honesty" that we all can agree with.

However, the American people were not the main culprit when it came to these events. Both Ginsburg and Hart withdrew amongst a barrage of press coverage that buried them even before the opinion polls could be conducted. In both cases the press felt that their high and mighty duty to inform the public gave them free reign to ask such thought provoking questions as "Have you ever committed adultery?" and "Have you ever smoked pot?" Of course by answering either way you lose. Hart was dishonest, so if you believe the press, that gave reporters the right to lurk outside of his house and spy on him for hours until they could get their story. On the other hand, if you are Ginsburg, and you answer truthfully, you get no marks for honesty, but endless requests for your withdrawal.

Of course, the real issue is not

in the answers given, but it the types of questions asked. And who was it who offered these probing questions anyhow? *The National Enquirer*? *The New York Post*? No, but none other than that serious journalistic operation called *The Washington Post*. Upon Gary Hart's exit from the nomination process, *The Post* ran a front page article telling of Hart's longtime reputation as a ladies man and explaining that why he "asked" for what happened. Now if that's not self-consciousness on the part of *The Post*, what is?

The press enjoys asking public figures what responsibility they have to the public. But what about their responsibility? I recently saw an old interview with Paul McCartney where, upon admitting that he had experimented with drugs, the press asked him of his responsibility to his fans. He replied, in essence, My responsibility? I prefer to keep these matters private, but you ask me these questions, I tell you the truth so you smear it all over the paper, than you ask about my responsibility?

However, since the press in large part sets the agenda for public discussion, their responsibility is not examined too often. In the past, the press knew of many things which they decided were irrelevant, and therefore were not reported, like John Kennedy's extramarital affairs, and Babe Ruth's drunkenness and carousing. There is even the story about how once Franklin Roosevelt fell off his wheelchair and had to lay helplessly on the ground until he could be helped back on. There were many photographers present, yet not one even so much as snapped a picture. I could just see those pictures now on the front page of *The New York Post* or page three of *The Washington Post* (since they're more dignified).

It's not that morality is not important and should not be covered by the media, it is. The real question is, what is morality? When the Reagan camp stole Jimmy Carter's briefing papers before the 1980 presidential debate and used them to Reagan's advantage, nobody made much of it. Likewise, we were all outraged that Biden lifted speeches from other politicians without attributing them to their original source, but who made much of a stir when it was discovered that the evidence for those charges was supplied by the Dukakis campaign? Are these acts of immorality really that much less offensive than somebody admitting that they had tried marijuana fifteen years ago?

We know that the press has an unwritten rule not to publish the names of rape victims or minor offenders. Of course, this is easy. Such revelations do not help sell papers anyhow. However, could you imagine if they did? In the end, the biggest threat to the freedom of the press may be the press itself.

**GREAT AMERICAN  
SMOKEOUT**

TAKE A BREATH  
ON NOVEMBER 19

AMERICAN  
CANCER  
SOCIETY



# COMMENTARY

## OBJECTIVE V. SUBJECTIVE EXAMS

### Why Objective Exams?

by Professor John F. Banzhaf III

[Editor's Note: the footnotes are found following the article.]

A more complete title for this article would be "How Over the Course of A Dozen Years I Changed my Mind About Essay Exams and Began to Accept Objective Ones," because that is exactly what happened.

I went to law school in part as a reaction to the stark objectivity of both my undergraduate [MIT] courses and their exams in sciences and engineering. I had nothing but essay exams at law school, and assumed that nothing else would do. I also liked essay exams; in part, I guess, because I did well on them.

When I started law school teaching, I used nothing but traditional essay exams. From the beginning, although I tried to make them work, I experienced not only problems but grave anxiety concerning them. Nevertheless, I hung in there, resisting the examples of my colleagues who were using objective tests. Indeed, I even wrote an article critical of those who dared to deviate from what I thought was the proud and proper tradition of using essay exams for law school finals.<sup>1</sup>

Eventually, however, I was forced to change my mind. Here is what one person found out--from long and painful experience--about essay exams.<sup>2</sup>

First, and perhaps most importantly, it was very difficult to mark them fairly, i.e., uniformly, the same grade for all answers of the same value.<sup>3</sup> A mediocre blue book coming up after three of four bad ones naturally seemed better than it actually is, while the same mediocre submission having the

bad luck to come up after a string of strong ones would seem worse that it is by comparison. Answers in blue books near the bottom of the pile might receive higher (or lower) grades than those at the top because perceptions can easily change while the grading is progressing. Papers marked when I was feeling good might do better than those marked when I was feeling bad, and being tired or fresh could also affect the grading.

I also found that some students tended to get better grades than others simply because their writing style was better. Indeed, studies show that writing style is often one of the most important determinants of a grade, even if the substantive content of two papers is the same. The student who can write a large amount in a limited time also may have a distinct advantage in terms of the likelihood of touching on the many points a professor might be looking for in a typical essay question.

Although the ability to write well and in a proper legal manner is an important legal skill and should be rewarded, I wondered whether it was fair for the same skill to be rewarded again and again in all substantive courses, rather than simply in Legal Writing where it is properly the principal factor being evaluated; whether what I tended to think best in writing style, and therefore to reward with higher grades, was objectively better than others; and whether the ability to write well under artificial conditions, narrow time constraints, and tremendous pressure was really an accurate predictor of success as a lawyer.

I learned that a typical spot-the-major-issues, state-the-law-

Go To Page 10, Col. 1

### Why Subjective Exams?

by CeCe Ibson

Multiple choice exams are not objectionable, per se. However, it is a mistake to label them "objective" exams and to assume that they are, for the most part, the only type of exam that can provide for fair or representative grades. While the computer-generated grading process used for multiple choice exams is objective, more often than not, the questions asked and the manner in which they are framed and administrated is not.

Professor Banzhaf found, in his years of teaching that, "some students tended to get better grades than others simply because their writing style was better." He wondered whether it was fair for (that) "skill to be rewarded again and again in all substantive courses". He points out that the decision as to what constitutes good legal writing cannot be made objectively. I have several problems with this argument and the relatively little weight that is accorded the necessity for strong writing skills in the legal profession.

Many practicing attorneys, educators and legal scholars and commentators are of the opinion that good writing skills are the single most important tool with which one would emerge from law school. Although many law students take the Legal Research and Writing requirement lightly, they often later regret having done so when a professor or employer berates them for convoluted, confused writing. It happens every day. Ask any legal employer anywhere across the country and you will hear that common complaint. This is not to suggest that good legal writing skills can only be acquired through the use of and

repeated performance on essay exams. However, an essay exam, coupled with constructive written evaluation, can help a student to improve his or her writing skills just as open memos and moot court briefs do during the first year.

Professor Banzhaf's contention that there is no objective way to evaluate legal writing is inaccurate. After many years of teaching, reading, writing and researching, Professor Banzhaf and all his colleagues know what reads and what doesn't. Writing which makes the point in a clear concise way, using fact analysis coupled with law and policy arguments, makes for good reading. The legal community evaluates writing, both legal and otherwise, every day. The Law Review, Law Journal, and Moot Court Board do extensive review of writing both from within this school and from outside sources. To say there is no way to objectively evaluate legal writing imputes that those organizations had best start basing their competitions on something other than the written essay.

"Spot-the-issue" and "provide-a-black-letter-law-analysis" are not the only kinds of essay exams. Educational processes in the United States, including the legal educational process, have become increasingly mechanized and impersonal. Certainly in classes containing 600 students, the size of some undergraduate introductory courses, such mechanization in the form of computer grading and analysis is justified. However, in the law school environment in which the ultimate goal should be to turn out thinking people, an essay exam which encourages insightful analysis and reasoning can be written and should be en-

Go To Page 11, Col. 1

## The FCC and The Fairness Doctrine

By Glenn P. Harris

Congress has assumed an increasingly confrontational stance towards the Federal Communications Commission (FCC) recently due to the agency's attempts to deregulate the broadcasting industry. In one of the latest rounds of this sparring, the Senate Commerce Committee has attempted to resurrect the "Fairness Doctrine," under which television and radio broadcasters must consider opposing viewpoints. Earlier this

### ON THE HILL

year, President Reagan vetoed an effort to codify the doctrine and the FCC abolished its regulatory foundation. However, neither attempt be able to derail this latest congressional effort.

The Federal Communications Commission (FCC) promulgated the Fairness Doctrine 38 years ago, thereby requiring that television and radio stations present issues of public importance and allow all viewpoints on such issues to be heard. The

provision was upheld by the Supreme Court in 1969, but last fall, a federal appeals court held that the FCC could abolish the measure without consulting Congress. The Supreme Court declined to review this decision.

In Spring, in an effort to head off the FCC's anticipated elimination of the Fairness Doctrine, Congress voted to codify the measure. President Reagan, however, vetoed the legislation. Although the House could probably have overridden the veto, the Senate lacked sufficient support to have been able to muster such an effort. On August 4, the FCC did indeed abrogate the doctrine, claiming that the broadcasting industry now contained so many more broadcasting outlets than when the Fairness Doctrine was originally enacted that the doctrine was no longer necessary to ensure expression of diverse viewpoints.

The latest skirmish of this battle was marshalled by Senator Fritz Hollings, the Chairman of the Senate Commerce Committee and an ardent supporter of the Fairness Doctrine. On October 21, Senator Hollings persuaded the Committee to adopt a

measure that would penalize broadcasting stations that had not complied with the doctrine by levying a fee of one percent of the value of the broadcasting license at the time of their sale to a purchasing party. Moreover, as no such fee could be imposed without the doctrine's codification, the measure would also make the doctrine law. The Committee approved the proposal by a 12-5 vote, after beating back an effort to delete this language. Senator Hollings apparently gave little warning that he would introduce this measure and apparently took Republican members and the broadcasting community by surprise.

The provision, part of a budget reconciliation package to reduce the federal deficit, also mandates a fee of two percent of the value of the broadcasting license on any sale of a station, and a four percent fee, if the license had been held for less than three years. The latter move is aimed at reducing the acquisition and sale of stations purely for speculative profit, and represents another effort by Congress to reverse the FCC's somewhat laissez-faire approach to such

transactions.

All told, the legislation is expected to raise \$340 million annually, which would be used by the Treasury to reduce the federal deficit in 1988 and 1989, and afterwards, would go to establish a fund to pay for public broadcasting construction and programming efforts. The bill has been sent to the Senate Budget Committee for inclusion in a comprehensive bill designed to reduce the fiscal 1988 budget deficit by over \$23 billion.

In a related move, the House Appropriations Committee recently defeated an amendment to another miscellaneous spending bill to codify the Fairness Doctrine. Yet, given the widespread support for the measure in the House, it is likely that the House will uphold the Senate's move when it votes on the deficit reduction legislation later this fall. Furthermore, because he does not possess line-item veto authority, President Reagan would have to veto the entire deficit reduction measure in order to abolish the doctrine, an improbable decision given the huge budget deficits and the recent turmoil in the stock markets.

# Cosmos Club Loses Case

From a press release by Professor John Banzhaf

The D.C. Office of Human Rights has ruled, in a case which may have widespread implications for other private clubs, that the Cosmos Club of Washington cannot continue denying membership and other benefits to women solely on the basis of gender.

The agency held that because: 1) over half of club members live outside the Washington metropolitan area; 2) the club's routine admission -- without any interviews -- of virtually all qualified male applicants; 3) the club facilities are regularly open to non-members; and 4) the club's lack of any "political, social, economic, educational, religious and cultural ends," the club is not "distinctly private" and therefore cannot discriminate against women.

The Human Rights Office also held that even clubs which fall within the narrow statutory exemption for those which are "distinctly private" are prohibited from discriminating if they receive a governmental or privilege of a business benefit, such as the retail class "C" liquor license, as held by the Cosmos Club. Under the Human Rights Act, only private clubs held to be "distinctly private" are exempt from the non-discriminatory provisions, and then, only if they do not receive any "permits, licenses, franchises, benefits, exemptions, or advantages issued by" the D.C. government.

Under Wednesday's ruling, the Cosmos Club must notify the Human Rights Office if they wish to enter into conciliation discussions with the complainants. If a complaining party fails to respond affirmatively within ten days, or if conciliation fails, the matter must be set for a public hearing within thirty days to be held before the D.C. Commission on Human Rights.

Such a hearing might prove both costly and embarrassing to the Cosmos Club. At such a hearing an affirmative action plan to correct more than ten years of discrimination may be imposed and the agency may require the Club to pay the costs of the hearing, compensatory damages, and even reasonable attorney fees to the complainants -- in addition to its own legal costs.

This ruling resulted from complaints filed by two NLC professors, John F. Banzhaf III

and Teresa M. Schwartz. Professor Banzhaf said that he is also considering organizing a class-action suit against the Cosmos Club to recover damages on behalf of all qualified women who have been discriminated against in past club membership decisions. In addition, Banzhaf intends to oppose requests by the Cosmos Club to the zoning board and other agencies.

Another sex-discrimination complaint was filed against the Cosmos Club by Americans for Democratic Action and other organizations, but it is still before the Alcohol Beverage Control Board, and no action has been taken on it. Whether or not the alcohol board will now take action, either on its own or if the matter is referred to them by the Human Rights Office, is not clear at this time.

This ruling has important implications for other organizations for at least two reasons. First, this ruling holds that any organization -- regardless of its size, purposes, and membership -- which obtains a liquor license from the city must abide by the non-discrimination provisions of the Human Rights Act. Other municipal benefits, such as zoning variances or building permits, may also in the future be distributed according to the same requirements.

Second, it strongly suggests that large single-sex organizations cannot avoid these requirements even by giving up a liquor license, and that some function more like public hotels than private clubs. For example, the Human Rights Office found that the Cosmos Club was included as a luncheon stop on a bus tour, hosted many meetings at which none of its members were present, rented nonmembers hotel-like rooms on 2,365 night during 1985; provided guest privileges to almost 50,000 nonmembers; and derived at least 15% of its income from nonmembers.

Professor Banzhaf is best known for his legal activism aimed at smoking, and for having law students work on public-interest legal actions such as this one. Professor Schwartz has also been active in litigation against tobacco companies, and has written extensively in the product liability field.

# Student Grade Challenges

by Sally Weinbrom

To most law students, grades are crucial. The difference between two tenths of a point may be the difference between top twenty percent of the class and top quarter. As a result students are protective of their grades. Some students, believing that a professor's grading method is treating them unfairly, have sought to challenge their grades as arbitrary or capricious.

What are student options? Can the school act unfairly, or at least in ways the students feel are unfair?

According to Dean Potts, Dean of Faculty and Dr. Roderick S. French, Vice President for Academic Affairs at George Washington University, even though law students are not entitled to constitutional protections in school, students receive ample protection of their rights through their ability to address any grievances they may have with professors through the "Guide to Student Rights and Responsibilities."

This Guide, which also contains procedures which students must follow to bring charges of academic dishonesty against classmates, contains detailed student grievance procedures which are implemented campus wide to address a variety of student complaints including charges of discrimination or sexual harassment.

However, according to Dean Potts, the majority of cases which arise under the Guide are grade challenges.

The procedures to contest grades are less clear-cut than the process for contesting illegal discrimination. Nevertheless, the Guide does provide that students are protected against prejudiced or capricious academic evaluation through review by a faculty panel as established by the law school Deans. The decision of such a faculty panel is final and binding upon all faculty.

If a professor refuses to comply with decisions of the panel, the student may ask the dean to provide relief. Similar provisions are set forth as a matter of professional responsibility in the Faculty Code.

What this means is that if a student feels he or she has been graded unfairly, that student must first consult with the Dean who generally counsels that the student first try to resolve the problem directly with the professor who gave the contentious grade. However, at this stage, even if the professor agrees that the grade is unfair, it would be impossible to change it since only mathematical errors or clerical mistakes may be corrected after examination grades are recorded.

The next stage in the procedure is the presentation of the student's complaint before the faculty peer review panel. Students may prepare briefs or argue their cases as persuasively as possible. The standard of proof used by the panel is not listed in the Guide nor is it clear whether the professor who issued the grade must be present at the review, but the panel reaches a final decision based on the evidence presented.

Rules of evidence are not followed. The entire procedure is geared to how convincing the student can be to the faculty panel.

Not many students succeed under this system. Although some students have successfully

contested their grades, those students have satisfied the Panel that their complaint is genuine.

And that, according to Dean Potts, is not easy.

"The whole issue is an evaluation process and those decisions are very difficult," he said. "You have to establish to the satisfaction of the panel that for whatever reasons the grade is . . . prejudiced or capricious."

At least one student doesn't think the system works. After receiving a grade much lower than he usually receives in a particular class, the student attempted to request review of his examination and his grade with his professor since there were no marks on his returned bluebook. The professor ducked meeting with the student on several occasions even growing hostile when the student persisted.

Although the student-contested his grades through procedures then in place, he was unsuccessful in having the grade overturned. He is less bitter with the results than the system.

"By paying lip service to the goal [of due process] but keeping the process as elusive as possible, the law school is effectively denying its students rights assured by the university," he said.

The student noted that it is difficult to discern what actual procedure is in place to challenge a grade. Even after following the rules, "the student is at a tremendous disadvantage, for no standards have been issued to define what the complaint should contain or how to proceed."

And at all turns, the students complaints can be forestalled by gatekeeping by the Law School Administration. In the end, it is

solely a faculty decision as to whether the professor has acted responsibly.

On the other hand, why should only those students who make the most noise receive administrative relief. Looking at it from the standpoint of a professor, panel review of the professor's choices for giving a certain student a certain grade, under the anonymous grading system comes perilously close to questioning the professor's academic competency thus infringing on his or her academic freedom.

Moreover, while it is impossible to replicate exam conditions, it is equally impossible to approximate the professor's attitude while he was grading the exams. Standing alone, a bluebook that looked mediocre to the professor while he was grading it in comparison with 100 others may seem excellent now. Changing one student's grades would slight other students graded at the same time.

Another issue is the question of how grievous a professor's actions need to be before being considered worthy of review? Resources are limited. It hardly seems justified that three tenured law school professors spend an afternoon reviewing the addition or subtraction of one point.

Finally, such a procedure hardly prepares a law student for practice where he or she may advocate before a biased judge, or simply a judge in a bad mood. Aside from gross inequities reviewable in appeal, the lawyer could hardly stand on the argument that the proceedings had been unfair.

This space contributed as a public service.



**GIVE SMOKING A KICK IN THE BUTT.**

**Great American Smokeout / Nov 19**

AMERICAN LUNG SOCIETY



# Cassius Cashes In On Chips

by Christine McMahon

Ciao is cashing in on the Champ's chocolate chip cookies. The cookies are a new arrival to the gourmet confectionery shelves at the local eatery. Their introduction was accompanied with a marketing scheme featuring an appearance by the former Cassius Clay himself.

Muhammad Ali came to 2000 Pennsylvania Avenue last Friday. The scenario was one which will remain in the memories of those who witnessed it as a particularly tragic ending to the world renowned career of a once very glib sports figure.

According to widespread reports, Ali has Parkinson's disease and has tried just about everything to relieve the effects of this degenerative brain disorder, including trips to Mexico for treatment with controversial drugs and techniques. While speculation has been made as to the origin of this disease, whether its onslaught was triggered by genetics or by too many blows to the head, it is clear that Ali is not improving. The once quick-witted, sure-footed, world famous boxing star seems like a child today.

"The Champ, Muhammad Ali, at 1:00" proclaimed the cardboard sign outside Ciao. By 1:30, more than 100 people were gathered in the hallway outside the store. Middle-aged women with cameras formed a line near the back, students and general passers-by congregated near the table-clothed table where Ali was to sit, and the more avid fans paced outside.

At 1:40, the predictable crush indicated that Ali had arrived, which he did in style. The first ones to emerge from the block-long limousine were four young girls dressed in "Champ" t-shirts and short black nylon shorts. These girls, dubbed the "Chippies" by an on-looker, distributed cookie samples. Close behind them was Ali, his female companion, and several body guards. At first glance, Ali seemed normal, tossing a few playful boxing jabs at people nearby and flashing several toothy smiles. But as he drew nearer, it was apparent that all was not normal with the one who used to "fly like a butterfly and sting like a bee".

Ali's companion gripped his arm and led him into Ciao, with the body guards right behind him. Ali still had not uttered a word. He was handed a piece of pie and was then led out to the table in the hallway.

While Ali's companion smiled and talked with store representatives, Ali's body guard guided him into a chair and wordlessly directed him to eat the pie. Ali slumped over the table, grabbed a fork and dove into the pie. All around him, flashes went off as the women in line began snapping pictures and calling out to the Champ. Ali did not seem to notice them. At one point, Ali good-naturedly shook his fork at one amateur photographer and said, practically unintelligibly, "Don't take my picture now". She took it anyway and Ali resumed eating.

The body guard handed Ali a piece of paper and a pen. Ali wrote his name and a short note. Then the body guard told everyone to get in line to take a picture. After all the pictures were taken the Champ was led away by his entourage for another stop in this cookie routine, but not before being subjected to women trying to steal a kiss from the famed boxer.

Most everyone in the crowd reacted with surprise at Ali's condition, followed by sympathy. Some of the more informed sports fans recognized the tragedy right away. One noted that "his eyes aren't even focusing" while another commented that the display resembled a "dog-and-pony show". Others in the group were less empathetic. "He's made millions" was a common remark.

But after witnessing the debilitating effects of Parkinson's disease, most left feeling sorry for the former hero. Ali, once a multi-millionaire who astutely managed his own affairs, was now reduced to pushing chocolate chip cookies bearing a close resemblance to Chip-a-Roos for more than \$3.59 a bag.

Though there may have been times in the past when Ali's rhyming and jiving wore thin, there were many in the crowd who would have welcomed the recitation of one of Ali's articulate and egotistical poems. Unfortunately, Ali was silent.

# Clark Voted Best Professor

by CeCe Ibson

When I went upstairs to interview Professor Clark, he was demonstrating magic tricks, much to the delight of the faculty secretaries and a visiting youngster. That's the kind of guy Barkley Clark is. Last year's graduating third years selected Professor Clark to receive the 1987 Outstanding Faculty Member Award, an announcement which came as a surprise to very few.

Professor Clark's classes (he teaches both banking courses as well as the UCC courses) are consistently full and students



Barkley Clark

laud both his in-class performance and his out-of-class accessibility and congeniality. After speaking with Professor Clark about his teaching philosophy, it's easy to see why he's so popular with students and respected by his colleagues.

Professor Clark emphasizes the teaching function as the paramount role of an academic, above publishing or consulting, and is pleased to note that the rest of the Law Center faculty generally feels the same way. Clark says he gets a "great kick" out of teaching and also finds satisfaction in writing, although he was quick to emphasize the interdependence of teaching and writing in a given field.

Students in Professor Clark's classes find that he accords great weight to statutory construction, and Clark agrees that substantive rules almost take a secondary role, given the importance of statutory construction and its relevance to the practice of law.

In fact, Professor Clark recommends a course within the Law Center which would focus on the principles and techniques of legislation and predicts that within the next several years, many law schools will offer, and even require, such a course.

Professor Clark also tries to include discussions on ethical issues pertinent to his subjects. He pointed out that a well-run class does not center around either strict lecture or over-use of the Socratic method, but combines the two to form a

stimulating environment in which students learn but also want to contribute.

Legal writing is a consistent problem facing law schools and law students, Clark says, and will continue to be so throughout the future. He emphasized the often overlooked fact that style counts as much as substance when it comes to legal writing and expressed a hope that students understand just how crucial the legal writing course and writing requirements here are to their development as successful attorneys.

Professor Clark said that when he first came to the Law Center, he was "amazed" at the level of participation in his courses, given the fact that so many students here work. He found himself "pleasantly surprised" that students here are able to juggle work and school and complete both successfully.

"George Washington is uniquely located at the heart of the legal world," said Clark, and he tries to take advantage of the many opportunities the city offers educationally. Each semester, his banking classes visit the Supreme Court to hear oral arguments on issues related to their course work and attendance is almost always around 90%. Professor Clark also tries to bring in outside speakers to contribute to his classes.

Before coming to the Law Center three years ago, Professor Clark taught at the University of Kansas with a brief stint at the University of Colorado.

Although he has taught UCC courses for many years, he began teaching banking when he began teaching here. Professor Clark pointed out that this is one of the few schools in the country that offers students an opportunity to take five credits in banking law. That fact is a big selling point for the school. Clark predicts that the areas of banking and financial services could become focal points of great future growth.

When he's not here contributing, Professor Clark is at home with his attorney wife and eight month-old son Garrett. He runs 20-25 miles a week, mostly along that mall where, Professor Clark says, he still feels like a "kid in a candy store". He enjoys classical music and art, and has high praises for Washington as an artistic center. Professor Clark served for nearly ten years as a member of the city council and, later, as mayor of Lawrence, Kansas. Although he considers himself retired from politics, most certainly if Professor Clark decided to run for elected office in the future he would find many supporters within the four walls of the National Law Center.

ACE

TYPING & WORD PROCESSING



WE SPECIALIZE IN  
LEGAL TYPING AND  
WORD PROCESSING

ON CAMPUS  
309 31st STREET  
"LOOK FOR OUR SIGN"

"We are... to bluebook"  
Typeset-look Resumes and Cover Letters  
466-TYPE • 857-8000

from Page 4

## Grade Challenges (Cont'd)

With all of its pluses and minuses, the process has enjoyed increased popularity with students. Dean Potts reports that only recently have students begun to use the process which has been in place since the early eighties.

Of those students who take their case before the panel, some succeed. Some don't. Regardless

of who comes out on which side, the decision to bring charges is a knotty one both for the student and the professor.

Dean Potts has no illusions about the system's merits.

"This isn't a great system, but it is a system I'm obligated to administer," he said, "and my thinking its wonderful isn't a requirement."

# The High Price of Fame

by CeCe Ibson

If you follow new/alternative/new wave/neo-punk music at all, the weekend before last was a head-spinner. Friday night, following the Homecoming festivities, fellow trend-chaser Rob Hirsh and I headed down to our favorite watering hole and my place of employment, Poseur's.

Well into the evening (translation: several hours after my brain cells had reached the atrophy stage) the D.J. (or V.J. as they like to be called in those trendy video bars) announced the death of Peter Murphy via a car accident in France. Peter Murphy, for those who don't know, gained real fame through the band Bauhaus, though he is most familiar to those who follow pop music for his recording of "The Final Solution".

Sunday night found me at the club setting up when Mitzi the Coat Check Girl came in and announced that Robert Smith, lead singer of The Cure, had overdosed early that morning.

Now, I like Bauhaus all right, but I've been a die-hard Cure fan since way back. I was probably the first person in Iowa to own one of their albums. I special-ordered it through a catalogue. Even those who aren't familiar with The Cure's music will remember last year's scandal when certain groups protested the band's song, "Killing an Arab" as advocating the title's activity as recreation (although anyone who really knows The Cure's music knows the song was written and recorded as a response to the atrocities of the Middle Eastern conflict).

In August of this year, Editor-in-Chief of this fine publication Liz MacGregor and I 'borrowed' a car, raced out to the Patriot Center, scalped two tickets and weaseled our way into up-front seats for The Cure's most recent Washington performance. You can believe I was darn glad Sunday night that I'd seen them in August rather than waiting until spring like those less sagacious than I.

Now, I must admit that my interest in Robert Smith and The Cure isn't entirely musical.

Truth be told, Robert Smith was my fantasy man. While other college girls were wooing over George Michael (remember Wham!), I was trying to get Robert on the phone to ask him to my sorority formal. Although the foolish folly of youth is long gone, I did think about inviting him to the Homecoming dance.

After all, what great looking dude with moves like that wouldn't want to dance the night away with a law school Homecoming Queen?

Monday night found me at Beezer's quaffing a few with the old gang and listening to WAVA (something I wouldn't ordinarily admit to, except for the purposes of this article). All of a sudden the D.J. came on and announced that Robert Smith and The Cure were alive and well, that it was all just a rumor. I was amazed.

I called WAVA to confirm (Sunday night we had tried to call MTV and WHFS who had originally promulgated the bad news, but to no avail), but got no answer. Back to that bastion of pop-rock knowledge, Poseur's, where Brian The Manager informed me that all was indeed right with the world. Robert Smith was alive and well (and undoubtedly still doing drugs).

Later that same evening, I talked to this dude Chris who I don't know, but who is a friend of one of the bartenders. Chris apparently works for some important music publication and had heard the rumor on Saturday of Peter Murphy's demise. Since he had an interview scheduled with Murphy for early this week, he decided he'd best phone him and get the real poop.

Sure enough, Peter Murphy's alive, too. Chris talked to him.

I commented to a fellow club-hopper last night how I wished I was so famous that people would start rumors about my death. Wasn't it Andy Warhol who said that everyone is famous for fifteen minutes?

As a child, I was once on the Bill Riley Breakfast Club Show in Des Moines where I won a six pack of Mounds candy bars. The broadcast lasted thirty minutes. I guess I'm one of the fortunate in that I got more than my allotted share.

## Attorneys On The Go



Avid bicyclists joined Professors Todd Peterson, Jim Starrs and Lynn Stout on the SBA bike trip on October 18th. (Photo by Dan Juffenbruch)

MONT  
BLANC

MONT BLANC PENS

30% Off Retail

Can you afford not to own a Mont Blanc?

MC/VISA INVISIBLE INK 804-977-1606

MONT  
BLANC

HAVE  
HAPPY  
HOLIDAYS

### TODAY'S CROSSWORD PUZZLE

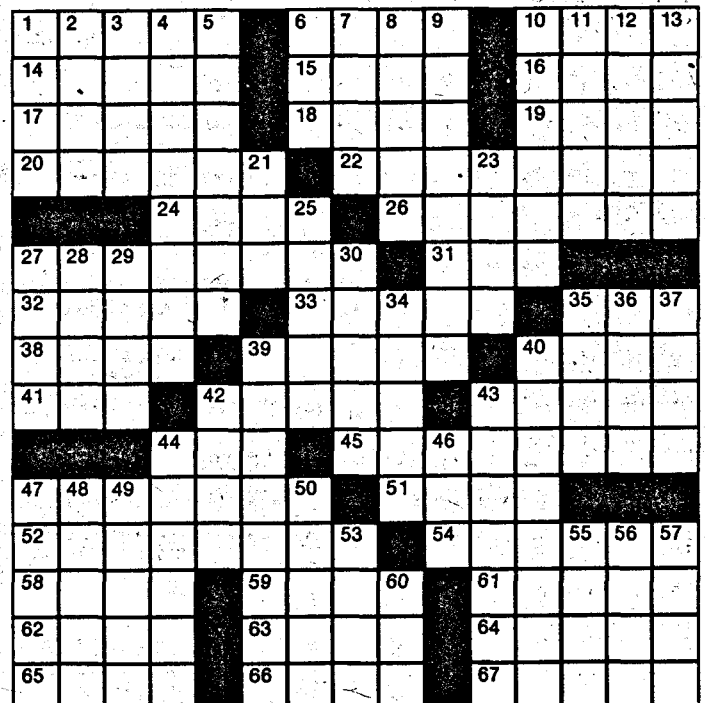
#### ACROSS

- 1 Sane
- 6 Survey nail
- 10 Extol
- 14 Piano study
- 15 Asian noble
- 16 Skin problem
- 17 Spud
- 18 "A" of "B.A."
- 19 Seaflood
- 20 Fleeces
- 22 Tore apart
- 24 Ananias
- 26 Categories
- 27 Hooked
- 31 Decree
- 32 Lively
- 33 Hoax
- 35 Owned
- 38 Girder
- 39 Spouse
- 40 Roster
- 41 Hand tool
- 42 Composer
- 43 Villain
- 44 Implead
- 45 — pay
- 47 French wind
- 51 Six on a die
- 52 Forces out

#### DOWN

- 54 Factories
- 58 Portico
- 59 Severn feeder
- 61 Bouquet
- 62 Blanc, et. al.
- 63 Agrippina's son
- 64 Land masses
- 65 Understands
- 66 Prosaic
- 67 Ways and —
- 1 Permits
- 2 State
- 3 Cunning
- 4 Nonrealism
- 5 Hoist
- 6 Madrid Mrs.
- 7 Young fish
- 8 Caprice
- 9 Dislodge
- 10 Newest
- 11 Harsh liquids
- 12 Uncalled for
- 13 Abysses
- 21 Pre-Sun.
- 23 Horde
- 25 Back: pref.
- 27 Bishop

- 28 Attracted
- 29 Telephone
- 30 Current
- 34 Concepts
- 35 — sapiens
- 36 Speck
- 37 European
- 39 — butter
- 40 Practice
- 42 Hindu
- 43 wise man
- 43 Harangue
- 44 Flint glass
- 46 Beast's hide
- 47 Arizona hills
- 48 Fiber plant
- 49 Mine
- 50 Pry
- 53 Rail bird
- 55 Theme song
- 56 Revenue
- 57 agents
- 57 Cheek
- 60 Swell





# NFL Strike: Intentional Infliction of Emotional Distress

by Jamey McGovern

The good news is that for the past three weeks its been "Play Ball" again in the National Football League (NFL) following a three-week strike by the NFL Players Association (players). To those of you who consider this to be bad news, then go ahead and keep studying your Contracts on Sunday afternoons.

The really bad news is that despite the second strike in the last five years, virtually none of the important issues were resolved, which means we will be forced to watch Gene Upshaw mumble and grumble his way through several hundred interviews saying absolutely nothing in 100 words or more. Obviously, Gene was schooled on the Restatement, 2d, Sports; "Anything which can be said once can be restated ad nauseam." See also Namath and Simpson, *Effective Sports Play-by-Play*, Layman's Edition.

The owners elected to stage replacement games during the strike with teams comprised of previously released players, walk-ons, veterans willing to cross the picket lines (Scabs), has-beens, never-weres, and possibly your grandmother. While the quality of play was decidedly below NFL quality, (face it they stunk up the joint,) it is generally recognized that the owners managed to pull off the scam of the century. They succeeded in keeping fan interest (yawn) alive, network cameras rolling, and reducing their weekly payrolls from around \$30,000/per man/per game to

\$2.97 total. Actual stadium attendance dropped to about the same as that of an SBA sponsored Ice Cream Happy Hour.

Slowly but steadily the NFL veterans began to cross the lines and return to their teams. It is conceivable that some returned to preserve the integrity of the game, although it is more likely that losing 30 grand a week can tend to put a serious dent in your lifestyle. It's hard to retain union loyalty when your Mercedes needs a tune-up.

While there were no actual winners or losers in the strike, most commentators (see Meredith, *infra*) feel that the owners came out just dandy. On second thought, most Pittsburgh Steeler fans were winners because anything that keeps Mark Malone off the field can't be all bad. CAVEAT: Due to the timing differential between when this article was written and when it will be published, Mark will have played four games and may have completed ten or eleven passes, in which case I withdraw my "Pro (Steve) Bono" attitude.

Anyway, the players agreed to return to work(?) and temporarily concede on the major issues of free agency, and uh, free agency, and did I mention free agency (C'mon Gene what were those other thirty-seven issues again?).

The players have opted instead to toss their fate to the courts, and have filed a class action antitrust suit against the owners in a Federal District Court in Minneapolis. I'm not sure why they chose this forum although it

can be speculated that it was either the "forum least convenient", or they just thought that they couldn't lose in the MetroDome.

Since, as a first year law student, I know very little (zilch) about antitrust law, I spoke with Professor Charles Craver to get his views on the NFL players strike and pending lawsuit. (We interrupt this article to bring you the more serious side of the issue).

Professor Craver explained that although the NFL is subject to antitrust law, the players have waived many of their rights under such legislation through a collective bargaining agreement. The players have relinquished some rights in exchange for improved pension plans and other incentives. Thus, the NFL has been able to operate in a monopolistic fashion. The owners have exclusive control over veteran players through the limited career options available to them, and over college players through the draft system which requires the college player to deal exclusively with whichever team selects him.

The owners remain adamant in denying free agency because of the substantial problems that may develop if free agency were to be granted. According to Craver, "If the current rules on free agency are eliminated completely, there would be a problem because the richest teams would be in a position to buy the best players. Also the NFL draft works to equalize teams to some degree, because the teams that finish last

get to draft first and presumably get some of the better players."

Professor Craver believes that the owners were within their legal rights to hire replacement players because of the economic nature of the strike. Furthermore, the three games played by the replacements will be official unless the owners voluntarily decide otherwise. Also contentious is whether owners will have to pay the veterans for the games played on October 18th and 19th. The players returned to their teams on October 15th but were denied the opportunity to play that weekend's games. Craver feels that the owners may have discriminated against the players by imposing an October 14th deadline of eligibility on the veterans, while allowing replacements that reported as late as the day before the game to play.

The irony of the whole dispute is that the players may win the lawsuit but ultimately lose their jobs. Should the NFL lose in an antitrust suit they would be liable for treble damages. It is not inconceivable that a substantial damage award, when tripled, could bankrupt some teams.

Craver feels that both the owners and players have a very genuine interest in resolving the issues before they are forced to abide by a court ordered decision. The players may be using the lawsuit as leverage over the owners, but it could turn out to be a lot more than they bargained for.

## Moot Court Report

by Mark Boyland

Moot Court At Other Schools: Georgetown...

It's a shame that with the number of law schools in this area-- Georgetown, Antioch, Catholic, George Mason, Howard and, of course, the best-G.W., that more contact between them does not exist. The only times that board members meet with members from these other schools is during adversarial confrontations, i.e., competitions. And, it is this writer's opinion that other boards could be a valuable resource for G.W. and that G.W. is surely a valuable resource for them.

Accordingly, I called members of Georgetown's board last week to discuss "bridging the gap" between our schools. My ideas were enthusiastically welcomed.

At the present time, Georgetown is preparing for the national competition and putting most of its time towards rehearsing its team and perfecting its brief. Other competitions which Georgetown is entering this year include: the Polsky at Temple University, the Wagner at New York Law (labor), the Craven at North Carolina (Constitutional), the Jessup (International--remember, they beat us in the final regional rounds last year.), the Frederick Douglas Regional in D.C. (civil rights) and the Cardozo at Cardozo (entertainment and communications).

But the big inside scoop is that Georgetown is "going through the motions" of getting funding and authorization to host a competition here, in D.C. (like we're doing with STLA). Both our board and theirs agreed that with so many law schools in the area, and with

the excellent legal resources which D.C. institutions provide, it is absurd that no competitions are sponsored by D.C. schools. "Schools from other states should jump at the chance to come to D.C. and compete"-- of course, we're biased.

At this time, I am not permitted to disclose the nature of the competition which Georgetown hopes to sponsor. But, I can say that it will be somewhat like problems presented by one of G.W.'s perspective courses. Georgetown stated that it would like our assistance in making the competition a successful event. I think we should help.

Moot Court Members:

The following is a complete list of Moot Court Board Members. All first years are encouraged to prepare diligently during next semester's competition, and to join the ranks:

Nick Acker, Lauren Albert, Teresa Antonacci, Stacey Ballen, Keith Beauchamp, Mark Boyland, Ken Brothers, Richard Cheng, Jeff Coyle, Kim Czubaruk, Matt Dobson, Leib Dodell, Sue Eckert, Doug Fierberg, Julie Ford, Mallory Garner, Geoff Gordon-Creed, Blanche Greenfield, Gordon Greenwood, Michael Hepburn, John Hintz, Eric Hutz, Scott Ives, Neil Jones, Jayne Kaplan, Lee Kristeller, Brian LaCorte, Beth Lang, Andrew Lankler, Leslie Lenhart, Elizabeth Link, Lisa Lovinger, Tracy Makow, Robert Miller, Tim Nelson, Mike Nemeroff, Daryll Nirenberg, Dave Osterman, Iain Page, Jennifer Pinson, Curtis Rose, Pete Russin, Robert Saperstein, David Schloss, Allyson Senie, Pam Steinfeld, Jennifer Stevens, Sue Strauss, Andrew Treiter Steven Troy, Brian Walsh,

Evelyn Ying.

Daniel Bell, John Brocki, Randall Bynum, Kevin Callaghan, Renee Danker, Jill Goehrkolb, Elisa Frazier, Michael Horan, Suzanne Iudicella, Denise Jennings, Nancy Johnson, Kathleen Kelleher, Lisa Kleine, John Luce, Joanna McIntosh, Wayne McKenzie, Tom McMorrow, Andrew Mergen, Todd Mullins, Vito Pinto, Erica Plave, Maureen Polivka, Patricia Prochaska, Andrew Rader, Wayne Rupert, Bruce Sabados, Rona Sandler, Gregory Smith, Mary Soltys, Lois Yurow.

Giles Sutherland Rich:

All interested second year student, there will be an informational meeting for the Giles Sutherland Rich Moot Court Competition on Wednesday, November 18th at 4:15. The purpose of the meeting is to determine interest and to answer questions concerning the competition so attendance will be mutually beneficial. If you are unable to attend this meeting but wish to compete please leave a note for Brian Walsh in his Moot Court office mailbox and he will contact you. The problem for the competition will be distributed on Tuesday, December 1. No intellectual Property Experience required.

Lost:

Whoever misplaced a watch around the Moot Court office, see Dave Osterman.

More on STLA:

The Student Trial Lawyers Association met last Thursday and discussed the tremendous progress being made re G.W.'s hosting this spring's competition. Students should be aware that the smaller competitions discussed in the last edition of this report

will be beginning in January.

Jessup Notice:

Coaching of all participants will take place on Thursday, November 19, between 4:00 and 6:00 in the Moot Court Room. Guaranteed, this session will be extremely helpful.

And mark you calendars, the Oral Argument presentations will take place on Saturday, November 21, beginning at 9:00 sharp. BE prepared to spend most of the day.

Van Vleck Notice:

The second round of Oral Arguments will be heard on November 19 at 8:00pm. All are welcome! Also, ed years, please remember you commitments to timekeep and coach.

Handbook:

Anyone who wishes to help in putting together the final draft of the Appellate Advocacy Handbook talk to Bob Miller.

Interscholastic Competitions: The Moot Court Board is proud to announce its sponsorship of the following teams to interscholastic competitions:

1. Wagner- Pat Prochaska and Lisa Kleine
2. Craven Memorial- Lois Yuorw and Erica Plave
3. F. Lee Bailey- Dave Osterman and Bob Miller
4. Polsky- Lee Kristeller

A letter concerning budgets and other important information will be mailed to these individuals.

MCB Members:

A report to all members on the activities of the Board this past semester and plans for the Spring Semester will be drafted and circulated not later than the last day of classes this semester. This is in lieu of another full meeting of the Board before the end of the semester.



# IN LOCO OPUS

## HOMECOMING AT THE NLC

by CeCe Ibson

O.K., so maybe I'm a little biased, but I thought this year's Homecoming celebration was the best thus far. The Student Bar Association and the Homecoming Committee, chaired by Paul Henry, put on one heck of a party and deserve a pat on the back (or a keg on the patio, whichever they'd prefer). The theme of this year's weekend was "In Loco Opus", which translates to "In Place of Work".

The festivities began on Friday, November 6th with a semi-formal party and dance in the first floor lounges. SBA representative Rob Hirsh and crew provided plenty of beer, liquor and alternative beverages ably poured by student bartenders and celebrities Professor Mary Cheh and Dean

Marlena Valdez. The party was highlighted by, among other things, the crowning of the Homecoming court. First year Clerks Kristen Poplar and Dave Koman, second year Clerks Har McCoog and Dave Dickinson, night Clerks Robin and Taylor Ross, King Tom Dilaconi and Queen (Yours Truly) CeCe Ibson made up the court which was presented by Paul Henry and 1986 Queen Tara Witmer.

Saturday found most of us very hungover and ready for float building and Bloody Marys. Student organizations lined up their lovely floats in the faculty lot (no, no one was ticketed) for the parade up and down H Street. Also participating in the parade were the NLC football players, the clerks and King and Queen, driven by Prof. Sirulnik and

serenaded by a kazoo band.

Following the parade, students, friends and faculty convened on the new and improved quad to feast on chicken, burgers, wienies and assorted accompaniments. Professor Sirulnik announced the winners of the float contest, which were: Third Place-- section 12, Second Place -- The Advocate, and First Place-- SIPLA and The Journal (tie). First place winners received a case of beer for their efforts. Sirulnik then led the parade out of the quad and over to 24th and N for the big football game.

Since That Other Law School had only sent a handful of players, some NLC scabs graciously agreed to lend a helping hand. The addition of qualified players made little difference, however, as for the second time

in three Homecomings, the NLC team made the Georgetown kids

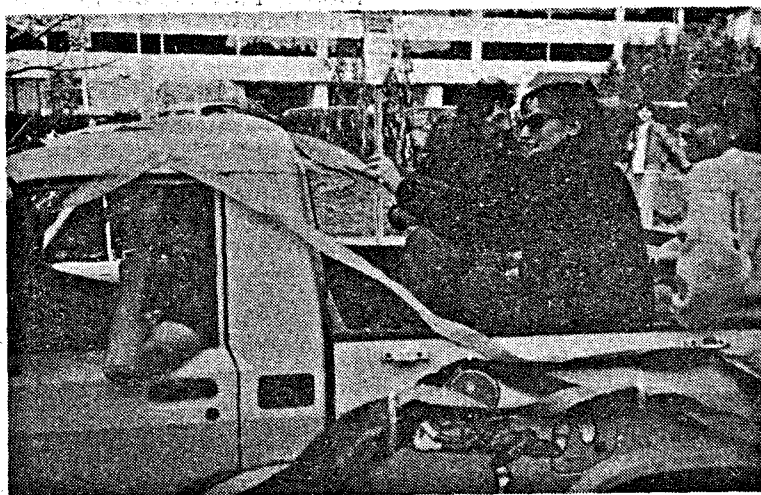
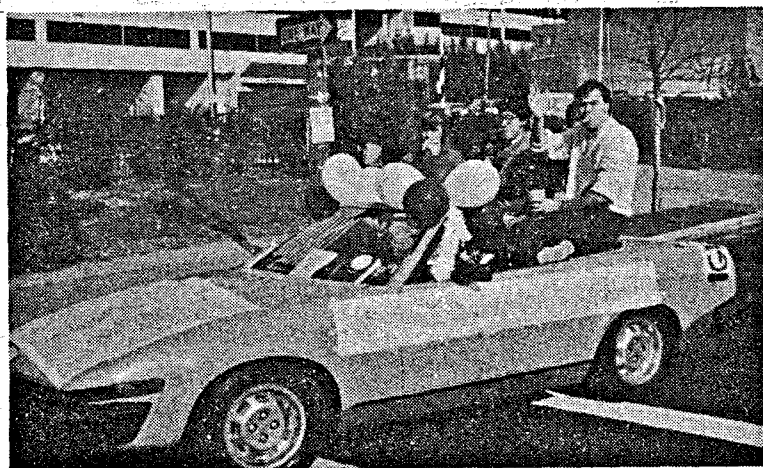
Following that little romp, those still standing romped over to Mr. Eagan's for further beverages and good cheer. Several hours later, this reporter left for more pub-crawling and unfortunately has no idea what happened to the rest of the Homecoming revelers after 11:00 p.m. Judging by the look of some folks on Monday morning, however, I think it's safe to assume that a good time was had by all.

A big thank you to the Student Bar Association and the Homecoming Committee for a job well done.

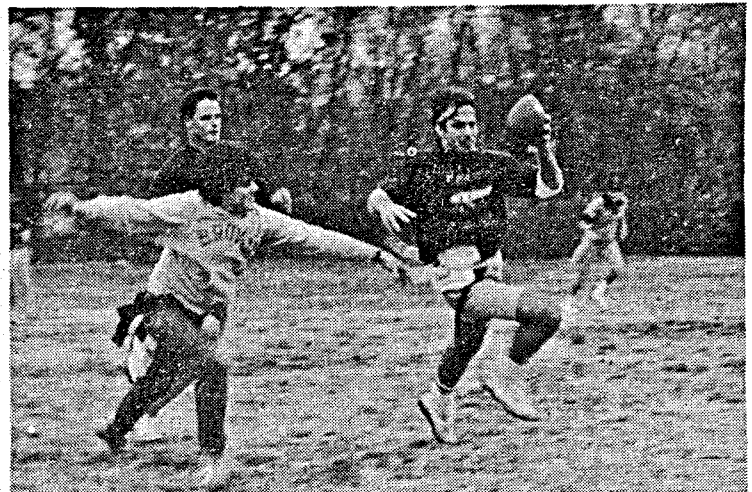
## OFFICIAL HOMECOMING 1987

### PHOTOGRAPH ALBUM

#### The Big Parade



## The Big Game



## The Big Bar-B-Que



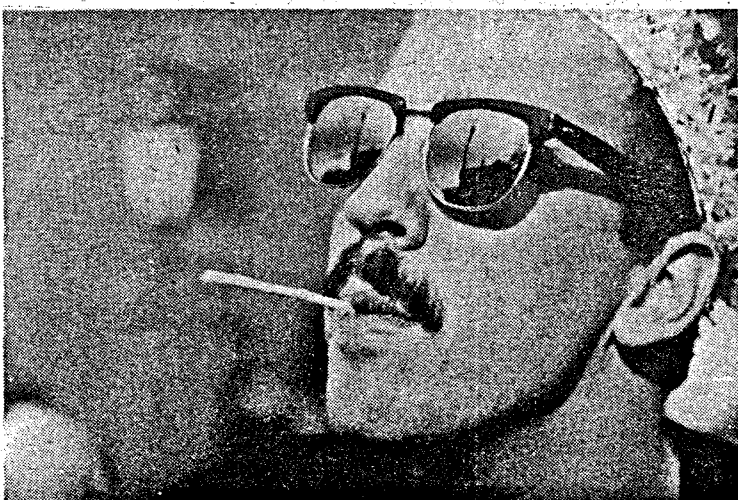
## The Big Dance



## Queen Justice



## King Justice





## Objective (Cont'd)

with-regard-to-each, and then apply-the-law-of-each-issue-to-the-facts type of exam could test student skills and knowledge of only a limited number of issues-- which seriously affected any student who had had trouble mastering one or two of the few issues which happened to be selected for testing.

Students who had the misfortune to miss spotting an issue lost points not only for that mistake, but also for not stating or applying the law with regard to the issue they overlooked. This by itself is very serious and may drastically lower the grade, but it is even more devastating if the student failed to spot an issue because of a misreading of the fact statement -- something which happened to a few students in each large section exam, and for which making a correction which is fair to everyone is often impossible.

-Because I found that the more challenging the question and the wider the range of possible answers, the more difficult and frequently downright-unfair grading became, I slowly moved towards writing essay questions for which the proper answers were shorter and more precisely defined, and where I could grade largely on the basis of whether the answer included one or more specific key phrases. This allowed me to test over a wider range of issues, and also produced somewhat more consistent and uniform grading.

However, even with this approach, problems and potential unfairness occurred when a student hinted at but never precisely used the key phrase, or when a student used the proper phrase but whose answer indicated a basic misunderstanding concerning it. But I also realized that I was beginning to write what was in effect more of an objective exam, even though this was disguised by using brief essay-type questions. Why not then explore the possibilities and advantages of using an objective exam itself!

First, objective exams are always graded uniformly, in that identical answers receive identical grades no matter how the professor feels, or whether the answer is at the top or bottom of the pile. Objective exams grade only a student's ability to deal with the specific material, not his or her more generalized ability to write in a style which the professor responds to, and to do so under tremendous time pressures.

Objective exams can test a far larger number of issues or concepts, thereby minimizing the unfairness which can result from testing on only a few issues, and eliminating the disastrous results which occur on essay exams if a student completely misses one

important issue, or misreads the factual statement. At the same time objective exams, by limiting the number of questions, can avoid the disadvantages to those who write slowly or have bad handwriting, and eliminate virtually all of the incentive for students to continue writing after the exam is over.

Studies show that grades on objective exams tend to be closer to the student's average grade than grades on essay exams. This suggests that they are a better measure of a student's true abilities, and less subject to random influences which unfairly influence grading.

Contrary to popular misconceptions, it is possible to ask sophisticated non-factual type questions; e.g., "which of the following would be the strongest (or weakest) argument [in a given factual situation]." Moreover, using sophisticated mathematical testing analysis, it is easy to spot -- and then disregard in determining the grade -- most of the "bad" questions; e.g. those which prove too difficult, those which do not differentiate well, and those which are answered improperly because they are poorly worded, etc. Thus, the perceived disadvantages of objective testing do not appear to exist in fact.

Each type of exam -- long essay, short answer, multiple choice, true-false, oral, etc.-- may tend to favor some students over others, although all tests will usually correctly identify the best and the worst students. For the great majority somewhere in the middle, however, where a few points can make a big difference in class standing, I think the unfairness and randomness inherent in grading essays usually outweighs their supposed advantages, except in the few courses where the subject matter is so diffuse that tests using essays may be unavoidable.

Objective exams can also eliminate the interminable delays that so frustrate students; providing 1L's, for example, with feedback at the beginning of the spring term when it is badly needed, rather than in the middle when study habits may already have been cemented. Needless to say, they also save faculty members many hours of thankless work which ultimately contribute so little to the education of our students.<sup>6</sup>

I do not go so far as to say that objective exams should eliminate essay ones for virtually all law school courses. What I do maintain is that for professors who understand how to write and evaluate objective questions, they are frequently as good if not better than any other kind. But, in a faculty as diverse as ours, we will probably continue to see a wide variety of different exam types and questions used, which in the end is probably the fairest system of all.

answers are an unreliable indicia of student ability. Second, many essay questions tend to be vague, general, and open-ended, which makes it very difficult to quantitatively rank the results and may lead to subjective judgments. Third, many people believe that it is impossible to maintain one's concentration and mark more than a few essay exams fairly at one sitting. 'I can't believe that a professor will mark and answer the same way at 9 AM and at 11 PM,' Prof. Fink remarked. Finally, there appears to be a great deal of nonlegalistic judgment which goes into marking essay type examinations; a fact documented by studies which show that the spouses of professors apparently can mark law school exams almost as well as the professors themselves!"

3. The tradition of using typical law school essay-type exams seems to have originated at a time when letter grades rather than numerical grades were in general use, and when law school grades were far less important than they are now. Thus, while it is relatively easy to divide blue books into three or four piles [A, B, C, D] plus an occasional flunk, it is far more difficult to divide them into 40+ numerical grades accurately enough to distinguish fairly between the great many which cluster in the high 70's and low 80's. Moreover, at a time when even students graduating from law school with a "gentleman's C" were guaranteed good job offers, imprecision in a grading system was far less of a concern.

4. All this didn't occur because my notion of the "correct" or "perfect" answer changed from the beginning to the end of grading an exam. It happened because virtually all student answers are less than "correct" or "perfect," and are different from what was expected (or at least hoped for) in literally thousands of different possible ways. When trying to mark dozens and dozens of answers, I found it was very difficult if not impossible to remember precisely how I had graded an answer which had somewhat the same weakness and strengths but was marked hours or even days ago.

5. All of these mathematical calculations are automatically made and presented to faculty members wherever we use the medical school's computer facilities to mark objective exams.

6. In my earlier article noted above, I wrote that "Professor Fink told of a faculty member whose life changed when he converted from essay exams to objective questions; thereby freeing up incredible amounts of time for more productive endeavors." To the extent that faculty members spend the time grading essay exams simply because it will help students learn about their strengths and weaknesses, there are several answers. The first is that this task can be performed more effectively and in far greater detail by doing a detailed computer analysis of answers to objective questions. The second is that it should be done BEFORE [not after] the final -- by using periodic exams-- so that students can take appropriate action before it is too late. The third is that only a small percentage of students take the time to go over final exams.

# EVERY AVAILABLE AID FOR THE LAW STUDENT



**GILBERTS  
SUM & SUBSTANCE  
LEGALINES**



**SMITH REVIEWS--NUTSHELLS  
CASE NOTES**

**WEST'S BLACK LETTER SERIES  
EMANUELS--HORNBOOKS**

**STATIONARY SUPPLIES AND MORE**

**AT...**



**WASHINGTON  
LAW BOOK CO.**

**HOURS: 9:30 - 6:00 MONDAY - FRIDAY**

**1917 Eye St., N.W.**

**Tel. 785-0424**

1. In "THE BRAVE NEW WORLD OF LAW SCHOOL GRADING" published several years ago in *The Advocate*, I reported on a talk by an expert in law school grading who had outlined for the law faculty the many problems of essay exams, and the many advantages of objective exams ["more reliable, more valid, and fairer to the student"]. I nevertheless concluded that "as a professor who has frequently been troubled while marking blue books by many of the problems of essay examinations, and has an appreciation for and understanding of the mathematical advantages of objective exams, this author remains torn between the siren song of computerized test grading and the gut feel that you can't really test 'thinking like a lawyer' with true/false questions."

2. At a time when I was still a strong supporter and user of essay exams, I nevertheless wrote in my article [see fn. 1] about Professor Howard Fink, an expert in law school examinations, that: "Essay exams, he said, tend to suffer from many weaknesses. First, a common procedure is for a professor to set out the facts of a recently decided case as a test question. However, since this may cover only a small portion of the course material, the

## Subjective (Cont'd)

From Page 3

It is not too idealistic to believe that what distinguishes the good legal scholar from the not so good, is his or her ability to apply the developed law in a thoughtful and possibly even creative and innovative way. Certainly, rote memorization of the development of case and statutory law is important, but more important is how we learn to apply that law. Latitude should be given to the creative thinker. This is not to say that the writer who is able to come up with the most "off-the-wall" ideas should be rewarded with the better grade. Rather, the legal educational process should encourage, not stifle, innovative thought. One way it could do this is through essay exams which encourage students to really think about the problem and evaluate it in a practical way which reflects the potential insightfulness of the thought process. Of course, none of this works if the completed exams are later submitted to professors who, rather than approaching the grading process in a way which particularly evaluates the use of law and thought by the student, simply looks at the blue book with an eye towards numbers.

Professor Banzhaf proposes that it is possible to write sophisticated, non-factual type multiple choice questions which could test the students' thought processes in the same way that an essay exam would. Perhaps, but then he goes on to cite as an example the most non-objective "objective" question type: "Which of the following is the strongest argument?" As hypothetical answers we have: (A) the holding in Case X; (B) the holding in Case Y; (C) the argument which Professor Banzhaf proposed in class as being the strongest; (D) the argument CeCe Ibsen proposed

when she was on deck on November 3. If the objective is to be objective, the above question type falls far short of the desired goal.

Eliminating frustrating grade delays is also used as an argument supporting multiple choice exams. Maybe somewhere, but not here. In an interview earlier this year, Carol Colgan said that grade due dates are assigned to professors using a complicated formula which takes into account the exam format, number of people in the class and other factors which may affect how long it takes for a professor to complete the grading process. In one semester, I received the grades for my paper course and other courses, all of which had essay exams, long before I received my grade for an eighty question, computer graded multiple choice exam. At this school using the "expedite the grading process" argument as justification for multiple choice exams just doesn't do the job.

There are situations where a multiple choice exam would be appropriate. In a civil procedure course, for example, where multiple choice questions could be used as a way of testing knowledge of the federal rules, they may be justified. However, in nearly every situation, the objectivity of computer-generated grading aside, the essay examination is a better tool for testing the knowledge of the student while encouraging clarity, yet creativity, of thought. Professor Banzhaf states that "...in a faculty as diverse as ours, we will probably continue to see a wide variety of different exam types and questions used, which in the end is probably the fairest system of all." Until someone can conclusively show that one type of exam is better than another, this is the best approach. Until then, let's not select the multiple choice exam as our objective saviour.

## Ginsberg (Cont'd)

From Page 1

ments by issue on cards that can be shuffled and easily referred to when needed. This will also help when a judge asks an advocate about an issue on which the advocate is not currently discussing. Judge Ginsberg believes that "ideally, oral argument should be an exchange of ideas in a discussion between the court and counsel. Court questions should not be seen as 'intrusions into a well planned lecture.'"

Particular attention should be paid to questions from the bench because they can alert an advocate to the issues with which the court is concerned. Judge Ginsberg said that often judges' questions about an issue which the advocate is not currently discussing are intended to alert the advocate that his present argument is a loser or are intended to help the inquiring judge in his or her battle against another member of the panel.

Advocates should not be afraid to concede weak points because it can enhance credibility. On a "hot bench" like the D.C. Circuit, the judges will be familiar enough with the case to preclude the need for a detailed recitation of the facts. Advocates should plan to get out everything they want to say in one-half the time allotted. Although Judge Ginsberg's remarks were directed towards courtroom work, her advice could be well taken by law students also.

## Potts (Cont'd)

From Page 1

After years of administrative and academic contributions to the law school, Dean Potts leaves behind a facility and an institution which is a tangible reminder of his devotion to the NLC. "I'm satisfied," said Potts, "that the law center is embarked on a course that can't do anything but result in greatness." This course, charted over the past three decades, is due in no small part to the efforts of Dean Edward A. Potts.

JOIN THE  
GREAT  
AMERICAN  
SMOKEOUT

THURSDAY,  
NOV. 19

AMERICAN  
CANCER  
SOCIETY

## 1L Thanksgiving Do's and Don'ts

by Jamey McGovern

1. A 1L should go home over the holidays since this will be the last time your parents, siblings, relatives and lovers (hopefully these are mutually exclusive) will see you before you are afflicted with the Dreaded Finals Burnout Syndrome. Be sure to rent the movie "Paper Chase" and watch it with all your friends and tell them how "realistic" it is so they'll feel sorry for you. This may lead them to do nice things for you like buy you a few drinks, take you out to dinner, or maybe, if you choose your partner selectively, even more.
2. A 1L should not go home if you would be better off using the time to catch up on your Emmanuel's readings, or you're trying to break up with your hometown sweetheart, or you can cook better than your mother, or you live in New Jersey.
3. A 1L should use the break to become familiar with the cultural heritage of Our Nation's Capital. This may include, but is not limited to, spending a night in the McPherson Square Metro station (the chain-link fence isn't all that high, just watch out for those banana peels), attending the annual Georgetown Thanksgiving Parade, which is comprised of all those turkeys still partying from Halloween, going to the Gobbler Egg Hunt on the White House lawn (just don't grab Ronnie by the neck, he's kinda sensitive about that), or spend the entire break circling the Beltway in search of returnable bottles. And any 1L worth his weight in weather fleeces (sec. 11 will understand, the rest of you can look it up) will utilize the break to read Mayor Barry's book *Morality and Ethics: Excess Baggage on the Road to Political Power*.
4. A 1L should not, under any circumstances, spend anytime over the break trying to rewrite your parent's will (unless they plan to leave you their Guy Lombardo Classics collection), you shouldn't try to determine the nucleus of operative facts in re

the dinner menu, don't use the phrase *ipsi dixit* in front of the children (they can speak better than that and they'll just laugh at you for spending 1L grand to toss words like that around), and, whatever you do, don't do it by the mail unless you're fully prepared to deal with the unholy terror of the "mailbox rule".

5. A 1L should take time over the holiday to get his/her resume together. Be sure to say you're a member in good standing at the Bar (you choose which one you like, I prefer Bullfeathers); you're a duly appointed member of the Student Bar Ass'n (that's proper Blue Book form); that you've attended at least half of your Legal Research classes; you haven't smoked marijuana since around the third grade; you've been nominated to succeed Dean Barron; you can Shepardize w/o using Lexis; your outside interests include bowling, fox hunting, plagiarizing Joe Biden's Moot Court material; and most importantly, that you can do it in your briefs (no easy task if you think about it!).
6. A 1L should not give her/his relatives any legal advice, no matter how much they pester you, for three reasons: First, you don't want to let them know how little you actually know; Second, they may hit you with a malpractice suit; Third, tell them to wait three (3) years and then bill them at the going rate (how else are you going to pay off those GSLs?). If your uncle promises to give you \$20,000 to give up smoking, drinking, gambling and sex, call your Contracts professor immediately for advice.
7. The most important thing a 1L should do over Thanksgiving break is to Suck Up. Suck up to your parent's business associates, suck up to your local Congressman, suck up to the mailman if he can get you a job over the summer. Suck up the home-cooked vittles, suck up the football on TV, suck up (or down) the Guinness Stout. By the way, if you're like me and will not be going home over Thanksgiving, that sucks!

## Learned Gloves Grip 3rd Place

by Sally Weinbrom

So who says that cerebrals are uncoordinated?

In Softball news, the Law Student team Learned Gloves remained competitive to the end in the Arlington County Men's softball league this past season. The team roster included Scott Miller, Rob Brusca, Paul Balavender, Ken Merber, Wayne Arden, Howard Schechter, Jeff Scharp, Darryl Steinberg, Peter Hass, Cliff Greenberg, J.J. Hearn, Greg Bowman and Chris Smith and Howard Susser (team owner).

The team finished 12-5-1, the best record ever recorded by a law school team in a non-law school league. The Gloves' only losses were to the first and second place teams.

With an eighteen game season, two games a week (night games no less), members of the Gloves showed their dedication to representing this law school in the real world.

The Gloves performance was particularly remarkable since the

league included "real men with real jobs and real lives" observed Scott Miller. The Gloves is the youngest team in the division.

Team stand-outs included Steinberg and Scharp as batting champs. Scott Miller hit the only home run over the back field fence. Cliff Greenberg led the team in five out of ten categories of offensive stats.

One of the high points of the season was the last game. Paul Balavender was kicked out of the game for arguing with the ump. Spurred on by Balavender's feistiness, the team overcame a ten point deficit in the bottom of the seventh (the last inning) by scoring the eleven runs needed to win the game.

"He [Balavender] was the Billy Martin of the Learned Gloves," Greenberg said.

The Gloves want to thank their loyal fans; Carol, Ruth, Evie, and Cathi. Special thanks go to Greg Bowman's wife.

A team party is in the works, details to be announced. Way to go Gloves.



# ANNOUNCEMENTS

## BLSA Food Drive

by Gerald C. Seegars and  
Kathy Brissette-Minus

The Black Law Students Association (BLSA), in conjunction with the Salvation Army and the Community for Creative Non-Violence (CCNV), is sponsoring a food and clothing drive to help homeless and needy people in the Washington, D.C. area. This is an excellent opportunity for many of us to clear "prime closet space" of clothing that has not been utilized in ages. For example, many 3L's will probably find several pairs of jeans in their closets that no longer fit due to the consumption of vast quantities of not so "less filling" beverages over the years.

In addition to helping us tidy up our closets, donating food and clothing to the needy and homeless is a noble gesture and is in keeping with the spirit of the Thanksgiving holiday.

The drive will extend from November 11 through November 24. Food donations will be placed in Thanksgiving food baskets and distributed to needy individuals by the Salvation Army. The CCNV will handle the task of getting donated clothing to the homeless.

The recent blizzard serves as an unfortunate reminder of the plight of the homeless and of the necessity for clothing.

Please place all clothing donations in the designated box by the third floor elevator (Burns) and all food donations (canned goods only) in the box by the Lerner third floor elevator. Questions concerning donations may be addressed to any BLSA member.

## Job Panel

A job panel will be held Wednesday, November 18 from 8-10 p.m. at the NLC. Prominent attorneys representing different legal careers will speak for 10 minutes each and respond to questions.

This event will be a valuable opportunity for all law students to receive a concise introduction to a variety of career paths. Career paths represented will include the judiciary, federal government agencies, Capitol Hill, private firms--large and small--opening a private practice of your own, and public interest law.

The formal presentation will be followed by a short informal reception with good food and wine. Look for more details in flyers posted around school. Sponsored by the Movimiento Legal Latino (MLL).

## Puzzle Solution

### PUZZLE SOLVED

LUCID	SPAD	LAUD
ETUDE	RANI	ACNE
TATER	ARTS	TIDE
SHEARS	RIPPE	OUF
LIAR	CLASSES	
ADDICTED	ACT	
BRISK	CK	HAD
BEAM	DE	ROTA
AWL	GF	E DEMON
RU	TAKEHOM	
MISTRAL	SICE	
EXTRUDES	PLANTS	
STOA	AVON	AROMA
ALPS	NERO	ISLES
SEES	DRAW	MEANS

## Patent Law Harmonization

Recently, there has been a move to harmonize the patent laws of the countries in the free world. Harold C. Wegner of Wegner Bret & Schneider is a noted leader promoting the harmonization movement. Last week he returned from a conference at the World Intellectual Property Organization (WIPO) in Geneva where leaders in the patent field and representatives from the patent offices of the world discussed harmonization.

Mr. Wegner will be speaking at the November meeting of SIPLA which will be held Wednesday, November 18, 1987 at 8 p.m. in room L301. All students and faculty of the National Law Center are invited to attend the discussion on this both timely and controversial subject.

## Equal Justice At GW

by Lou Manuta

We realize that the worst part of closing school down early on Thursday meant missing the EJF meeting. Before you fret yourself silly, it is rescheduled today (November 16th) at 4:15 p.m. in S305. Among the many topics due to be discussed, the most important at this point in the semester is the elections. Any first or second years who would be interested in filling one of the four Board position openings will be told the procedure for getting your name on the ballot at the meeting. The entire student body at the NLC is eligible to vote.

Among our innovative fundraising ideas to support our Summer Grants and Bradwell Fellowship scholarships is a T-shirt design contest. They must be images promoting the ideals of EJF. They can be humorous, cynical, satirical, but must be something that your fellow law students would be interested in purchasing. It should be fun. Once again, all the details will be forwarded at the meeting.

There are jobs available, even for first years. Don't let the CDO discourage you more than necessary. Through our contacts, around the country and in town, EJF has gotten a line on a number of public interest/public service positions that many students, even first years, may be interested in. To find what they are and where you may be placed, come on down to this most important meeting.

Finally, a word on our Loan Forgiveness program. The Loan Forgiveness Task Force has announced that they are close to receiving support from the SBA and other student groups on the proposal. Also, the final proposal will be presented to the faculty and the administration before Thanksgiving recess. The student body will be kept apprised of the entire process until it becomes a reality. Stay tuned.

## Toy Drive

by Maria Pallante

There will be children's laughter amidst the bullets of Central America next month, as a handful of NLC students have countered war games there by initiating a Christmas campaign for toys. Wednesday, December 2nd will see the NLC host a community drive for used (or new) toys, in Lerner Hall, from 8:00 a.m. to 8:00 p.m.; those collected will be distributed to Nicaraguan orphans under the auspices of The Quixote Center, Maryland, and The Institute of John XXIII, Managua.

While politics of peace are frequently choked by the clenched fist of military negotiations, toys of peace should thrive under the suffering smiles of Nicaragua's youngest victims. Accordingly, the Christmas campaign is joined and supported by law students, peace organizations and local businesses throughout the City. Especially sought are balls, dolls, frisbees and simple toys which do not require batteries. Supplies for organized sports (e.g. baseball, soccer and tennis) are needed for rural regions and mental health programs.

Both The Quixote Center and Institute of John XXIII operate as part of a national movement known as Quest for Peace. Linking the efforts of hundreds of concerned organizations and thousands of individuals throughout the country, Quest works to match the U. S. Congressional military appropriations for Nicaraguan Contras with humanitarian aid. Launched in December, 1985, the campaign has since provided Nicaraguans with millions of dollars worth of medicine, food, clothing and educational resources. The former October 1987 goal of \$100 million was surpassed, and a new retroactive goal, recently set, increased the old figure in order to absorb the campaign's fullest potential.

The toy campaign is a special Christmas variation of such humanitarian aid, and it is inherently powerful in its potential to ease the trauma of violence for war torn orphans. Toys collected at the NLC will be taken to The Quixote Center's Virginia warehouse, where they will immediately be shipped along with the usual supplies of food and medicine to The Institute for distribution in time for Christmas day.

Bombs and bullets will no doubt continue in Central America next month, but children will play even so. Thanks to the Christmas campaign, some may even learn that toys of peace are much more fun than games of war.

For more information call: Maria 333-1422; Cathi 965-0327; or Chris 966-4126.

## CLASSIFIEDS

### SERVICES OFFERED

**WORD PROCESSING.** resumes, proposals, legal research papers, legal briefs, litigation documents, manuals and manuscripts. 598-4532.

**WORD PROCESSING BY LEGAL SECRETARY.** I am located three blocks from campus. \$1.75 per page; \$15.00 minimum. Call 780-1688, 240-4360 or 960-6851.

**TYPIST/WORD PROCESSOR AVAILABLE.** Twenty years experience, convenient to Metro. \$1.50/page. (703) 938-6253.

### HELP WANTED

**HEALTHY MALES WANTED.** Help infertile couples. Confidentiality ensured. Ethnic diversity desirable. Excellent compensation. Contact Dr. Fugger at the Genetics and IVF Institute, Fairfax, VA 22031. 698-7355.

**THE ADVOCATE** is always looking for more talent. Are you the next Lois Lane or Clark Kent? Give us a call at 994-7325 or stop by the office in Burns 303B.

**HOMEWORKERS WANTED! TOP PAY!** Cottage Industries, 121 24th Avenue, N.W. Suite 222, Norman, OK 73069.

### FOR SALE

**1980 PORSCHE 924.** Great car! Leather interior, AM/FM/cassette, Blaupunkt stereo, AC, rear wiper and spoiler, sport wheels, four new tires, two spares, car cover, bra, and LESS THAN 52,000 MILES! Don't buy a car until you have looked at this one. Only \$7,350. Call Bill at 525-4132. Afterall, it's a great car.

**CLASSIC 1967 MUSTANG** Completely renovated, light blue, automatic, original equipment. \$3,500. Call Bill for more information. 525-4132.

### PERSONALS

To The Judges, We look forward to overruling and reversing your team in the play-offs. Love, The Chain Gang.

## NLC Snow Policy:

## Law School Closes When University Does

When staring out your window at accumulating snow this winter, and trying to decide whether to go to school, do what the university does: listen to the radio.

According to Dean Marlana Valdez, this represents the school's new snow day policy. All radio stations will announce whether or not GW will be closed.

**ROAD  
LAWYER**  
11/6  
R.L.  
IS NOMINATED  
FOR NLC DEAN  
AND RUNS THE  
GAUNTLET OF  
MEDIA SCRUTINY.  
SEAN PENN'S  
GUIDE TO  
PRESS  
MANAGEMENT

IN THE NOMINATION SPEECH, YOU ADMITTED  
TO HAVING AN EXTRA-MARITAL AFFAIR WITH  
AN NLC LIBRARIAN. DON'T YOU THINK THAT...

IT'S NOT TRUE.  
I WAS JUST READING  
A SPEECH  
BY AN ENGLISH  
LABOR  
CANDIDATE.

BUT YOU DIDN'T ATTRIBUTE IT TO HIM WHEN  
YOU READ IT. DOESN'T THAT MEAN YOU  
PLAGIARISED?

WELL, NOT  
REALLY...

I WAS  
JUST  
REALLY  
STONED.

## CUFF + LINK

IT LOOKS  
LIKE THAT TIME  
OF THE YEAR  
AGAIN

YEAH

COOL  
Temperatures,  
First SNOW  
STORM

LOOKIN'  
LIKE  
CHRISTMAS

CHRISTMAS?  
NO  
FINALS!!

KOMAN

## TOP TEN LIST

From the Home Office in  
Manassas, Virginia come the top  
ten mindless materials people  
won't read while in law school.

10. Books from the 1L summer  
suggested reading list
9. Banzhaf's Bulletin Board
8. Optional reading
7. No-Smoking regulation signs
6. Case Books
5. Instruction paragraph on top  
of exams
4. Announcements on the 3rd  
floor bulletin board
3. Brief sheet
2. [TIE] The George Washing-  
ton Law Review and The George  
Washington Journal of Interna-  
tional Law and Economics
1. Moot Court Report in The  
Advocate

SECRETLY, WE ALL ADMIRER ROBERT FOR WHAT HE DID THAT DAY.



# Chain Gang and Friends Take

## No Prisoners

by Sally Weinbrom

Chain Gang, with a two year record of 13-0 in the very competitive George Washington University Intramural Football League, reached the pinnacle of the team's career this past Saturday when they waged battle for school and honor on the Homecoming field. The team played with special spirit since they had dedicated their efforts to Dean Jerry Barron, "the best Dean there ever was."

Todd Shoudy, team MVP, said, "I decline the award and give it to Dean Barron. He deserves it."

Final score on the game was 12-0 with both scores on Bob Profy passes. The first score resulted from a passing connection between Profy and "S Bill" Dickerson. (No relation to Eric.)

The second score was on a ball caught by Mike Snyder.

The no-name defense, as usual was stifling, stuffing every effort the Georgetown team made to get a drive going. "Boz" Brian

LaCorte, defensive end scored a sack. "The quarterback was particularly challenging but the defensive line managed to put sufficient pressure to cause the interceptions and obtain a sack," LaCorte said in excitement.

Two interceptions capped a day of aggressive play keeping Georgetown pointless and gasping.

Special commendation is also in order for the special adjunct team members that played, particularly those NLC'ers who played for Georgetown to round-out their otherwise paltry roster of six men.

Team owner-manager Tim Delaney said, "I am proud of my boys. They came to play today. Also, they came to play last year, but..."

Chain Gang won the school title last year but because they were only second years, they were unable to play.

The team wishes best regards to The Judges for next year and hope we see them in the play-offs this year.



Quarterback Profy looks for an open receiver while under pressure from a Georgetown defensive man.

## GOOD LUCK ON EXAMS

### The Great White North

by CeCe Ibson

It snowed today for the first time this season. I personally am of the opinion the snow is one of God's most ingenious creations, right up there with high top chucks and all-night diners. I'm sure most Washingtonians would beg to differ on that point so, as a public service, I offer the following thoughts on the concept of snow and how weirdly people out here react to it.

As I walked to school from Farragut North I had two thoughts. First, it's a good thing Wednesday was Veteran's Day. That saved the government the trouble of shutting itself down on account of weather.

Second, what's this business about carrying umbrellas in the snow? I have lived in ten feet of snow ten months out of the year and I never saw anyone carry an umbrella in the snow. As any meteorologist will tell you, snow is not wet. At least not real snow. Washington snow is not real snow. I'm not sure what it is, but it's not real snow. Presumably, said umbrellas are to protect one's perfect coiffure from either the wind or unsightly flakes. Vanity, thy name is Washington.

On my walk in, I saw two guys shovelling the sidewalks along "I" street. Good thing, too, I thought. Now we'll have somewhere to drive since it's pretty much a given that the city won't plow the streets. In times of inclement weather (and arguably at all times in between), the D.C. government appears to operate under the "Wait and See" theory. Illustrations of this

hypothesis? "Let's wait until none of the 200,000 people who live on the red line can leave their homes to see if we need that fancy heating element." "Let's wait to plow the streets, but see! we can walk down the street and ticket all these cars which can't be moved because the streets aren't plowed."

Last year's was reputedly one of the worst winters this city has seen, and small wonder given the way people react out here when a couple flakes fall from the sky. Our beloved mayor, Marion Barry, spent the week in L.A. The only snow that man has ever seen is the stuff he has Federal Expressed from Columbia. The only good thing that came out of last year's storms was the buzz I caught at the 21st Amendment. I should add, however, that a fellow mid-westerner and I found great amusement in waiting at the P street bus stop and watching people who have no business being on the road in bad weather in a moving vehicle trying to get past the stop sign into Dupont Circle.

True to form, I spent this year's first snow day at a bar, quaffing pitchers of cheap beer and reminiscing about the way things were when the world was young. I can't think of a better way to spend a snow day, unless it's under a warm blanket with a hot... oh, never mind.

I'm certain winter in Washington won't improve any this year, but then would I really want it to? The antics of Washingtonians in the snow could provide me with reams of working copy.



MVP Todd Shoudy displays injuries received during the game.



*"Where HEROES are made Every Day"*

Located in the ESPLANADE MALL  
1990 K. St., N.W.

Phone ahead for fast service

Mon. & Fri. 8am - 7pm  
Sat. 10am - 4pm **331-3344**

Attention All Law Students:

**10% DISCOUNT!**

*with student id*

*offer expires Nov. 30, 1987*

\*\*\*\*\* Now Hiring Part-time Positions \*\*\*\*\*

## SMH BAR REVIEW

# FREE REVIEW LECTURES

SMH Bar Review invites all interested law students to attend any one of the following review lectures. Lectures are on videotape, and there is absolutely no admission charge or obligation.

(Except where noted, lectures are approximately 3 hrs. long)

### CIVIL PROCEDURE

DATE	TIME	DATE	TIME
THURS., 11/12	1:30-5:30	FRI., 12/4	9:30-1:30
MON., 11/16	9:30-1:30	THURS., 11/19	1:30-5:00
WEDS., 11/18	9:30-1:30		
FRI., 11/20	9:30-1:30		

### CONTRACTS

DATE	TIME	DATE	TIME
TUES., 11/17	9:30-1:00		
WEDS., 11/18	1:30-5:00		
TUES., 12/1	1:30-5:00		
THURS., 12/3	1:30-5:00		

### TORTS

DATE	TIME	DATE	TIME
THURS., 11/12	9:30-1:00		
TUES., 11/17	9:30-1:00		
MON., 11/30	1:30-5:00		

### CRIMINAL LAW

DATE	TIME	DATE	TIME
FRI., 11/13	9:30-1:00		
THURS., 11/19	9:30-1:00		
TUES., 12/1	9:30-1:00		
WEDS., 12/2	1:30-5:00		

### PROPERTY\*

DATE	TIME	DATE	TIME
MON., 11/16	9:30-2:00		
FRI., 11/20	9:30-2:00		
WEDS., 12/2	9:30-2:00		
FRI., 12/4	9:30-2:00		

(\*First 1 1/2 hour covers Future Interests and Rule Against Perpetuities, second 3 hours covers Conveyancing, Concurrent Estates, Landlord-Tenant, among other subjects)

ALL CLASSES WILL BE HELD AT THE SMH CLASS ROOMS:  
1820 1/2 N Street, NW  
Washington, DC 20036



METRO:  
Red Line - Dupont Circle  
Blue Line - Farragut West

(202) 429-9774 (800) 343-9188



# FREE REVIEW LECTURES

SMH Bar Review invites all interested law students to attend any one of the following review lectures. Lectures are on videotape, and there is absolutely no admission charge or obligation.

(Except where noted, lectures are approximately 3 hrs. long)

## CORPORATIONS

DATE	TIME	DATE	TIME
WEDS., 11/18	9:30-1:00		
MON., 11/30	9:30-1:00		
WEDS., 12/2	9:30-1:00		

## EVIDENCE I

Presentation of Evidence  
and Privileges

DATE	TIME	DATE	TIME
THURS., 11/12	9:30-1:00		
MON., 11/30	9:30-1:00		
THURS., 12/3	9:30-1:00		

## EVIDENCE II

Relevancy, Writings  
and Hearsay

DATE	TIME	DATE	TIME
THURS., 11/12	1:30-5:00		
MON., 11/30	1:30-5:00		
THURS., 12/3	1:30-5:00		

## UCC 3 & 4

DATE	TIME	DATE	TIME
WEDS., 11/18	1:30-5:00		
THURS., 11/19	1:30-5:00		
WEDS., 12/2	1:30-5:00		

## UCC 9

DATE	TIME	DATE	TIME
FRI., 11/13	9:30-1:00		
TUES., 11/17	1:30-5:00		
THURS., 12/3	9:30-1:00		

## TAX

DATE	TIME	DATE	TIME
MON., 11/16	1:30-5:00	TUES., 12/1	9:30-1:00
THURS., 11/19	9:30-1:00	FRI., 12/4	1:30-5:00

ALL CLASSES WILL BE  
HELD AT THE SMH CLASS-  
ROOMS:  
1820 1/2 N Street, NW  
Washington, DC 20036



METRO:  
Red Line - Dupont Circle  
Blue Line - Farragut West

(202) 429-9774 (800) 343-9188